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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,258	12/27/2000	Ichiro Okajima	201220US2	4747
22850	7590	09/11/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MILLS, DONALD L	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 09/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

### Application No.

09/748,258

### Applicant(s)

OKAJIMA ET AL.

### Examiner

Donald L. Mills

### Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahisa et al. (US 5,946,605), hereinafter referred to as Takahisa.

Regarding claims 1 and 13, Takahisa discloses a method and apparatus for communicating information using a data tuner, which comprises:

*A destination information unit configured to include, in a packet, destination information inclusive of a description of a state of a mobile terminal that is a state of movement or a state of environment in which the mobile terminal is placed (Referring to Figures 8a-c, the control center 690 (destination information unit) broadcasts the state of a disabled vehicle via the global positioning receiver 818 (description of a state of a mobile terminal that is in a state of environment) to receivers 822 in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63;)*

*A transmission unit configured to transmit the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said destination information indicating a destination by the description of a state of a mobile terminal without identifying any address (Referring to Figures 8a-c, the control center 690 broadcasts the disabled*

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vehicle condition to all receivers **822** in radius of the disabled vehicle (both vehicles with destination information which matches and does not match) which indicates a destination without identifying the address of the destination. See column 12, lines 56-63.)

Regarding claim 2, Takahisa discloses *wherein said destination information specifies conditions of movement of a mobile terminal* (Referring to Figures 8a-c, the control center **690** broadcasts the state of a disabled vehicle via the global positioning receiver **818** (specifies conditions of movement of a mobile terminal) to receivers **822** in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63.)

Regarding claim 3, Takahisa discloses *wherein said destination information specifies speed of a mobile terminal* (Referring to Figures 8a-c, the control center **690** broadcasts the state of a disabled vehicle via the global positioning receiver **818** (specifies speed of a mobile terminal, in this example a speed of zero) to receivers **822** in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63.)

Regarding claim 4, Takahisa discloses *wherein said speed is specified as a single speed* (Referring to Figures 8a-c, the control center **690** broadcasts the state of a disabled vehicle via the global positioning receiver **818** (specifies speed of a mobile terminal, in this example a single speed of zero) to receivers **822** in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63.)

Regarding claim 5, Takahisa discloses *wherein said speed is specified as a plurality of speeds* (Referring to Figures 8a-c, a request for information regarding receivers **822** with speed below twenty miles per hour is broadcast by the control center **690** to the same radius area. See column 12, lines 66-67 to column 13, lines 1-4.)

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Regarding claim 6, Takahisa discloses *wherein said speed is specified as a range of speed* (Referring to Figures 8a-c, a request for information regarding receivers 822 with speed below twenty miles per hour (range from 0 to 24 mph) is broadcast by the control center 690 to the same radius area. See column 12, lines 66-67 to column 13, lines 1-4.)

### *Allowable Subject Matter*

3. Claims 7-12 allowed.

### *Response to Arguments*

4. Applicant's arguments filed 19 June 2007 have been fully considered but they are not persuasive.

### Rejection Under 35 USC 102

On page 8 of the remarks, regarding claims 1-6, the Applicant argues Takahisa does not disclose *a transmission unit configured to transmit the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said destination information indicating a destination by the description of a state of a mobile terminal without identifying any address*. The Examiner respectfully disagrees. Based upon broad literal reasonable interpretation, Takahisa discloses the control center 690 broadcasts the disabled vehicle condition to all receivers 822 in radius of the disabled vehicle (both vehicles with destination information which matches and does not match), which indicates a destination without identifying the address of the destination (See column 12, lines 56-63.) Also, the Applicant argues that Takahisa does not disclose *a packet based system*. Again, the Examiner

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respectfully disagrees. Takahisa discloses that the data tuner scans the “header” to identify the proper frequency, which also implies a data payload (See Abstract.) Although, Takahisa may not explicitly recite a “packet” the data structure of a “header” and “payload” are functionally equivalent. Therefore, Takahisa discloses *a transmission unit configured to transmit the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said destination information indicating a destination by the description of a state of a mobile terminal without identifying any address and a packet based system.*

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Mills/

August 31, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
9/4/07